

**FREEDOM OF INFORMATION COMMISSION
STATEMENT IN SUPPORT OF HOUSE BILL NO. 5127,
AN ACT DEFINING THE UCONN FOUNDATION AS A PUBLIC AGENCY FOR
PURPOSES OF THE FREEDOM OF INFORMATION ACT AND REQUIRING
AUDITING OF THE FOUNDATION BY THE AUDITORS OF PUBLIC ACCOUNTS.**

February 19, 2014

The Freedom of Information Commission supports House Bill 5127 which subjects any foundation established for the University of Connecticut to the Freedom of Information Act including access to the foundation's books and records maintained by the University. In addition, House Bill 5127 subjects the UConn Foundation to audits by the Auditors of Public Accounts.

Under current law, foundations such as the UConn Foundation, established for the purpose of receiving or using private funds for charitable, scientific, cultural, educational or related purposes that support or improve a state agency, are not "public agencies" under the FOI Act. See Conn. Gen. Stat. §4-37e(2).

The mission of the UConn Foundation is "to solicit, receive, invest and administer gifts and financial resources from private sources for the benefit of all campuses and programs of the University of Connecticut. The Foundation operates exclusively to promote the educational, scientific, cultural, research and recreational objectives of the University of Connecticut. As the primary fund-raising vehicle to solicit and administer private gifts and grants to enhance the University's mission, the Foundation supports the University's pursuit of excellence in teaching, research, and public service."¹

As its mission indicates, the UConn Foundation clearly serves a public function. Thus, arrangements between the UConn Foundation and the University of Connecticut are part of the conduct of the public's business and ought to be subject to greater public scrutiny under the FOI Act.

The FOI Commission believes that an important part of the UConn Foundation's success in carrying out its mission is tied to its credibility with the public. The public perception of propriety is essential if the people of this state are to trust in the administration of UConn and the UConn Foundation. Simply put, we believe that public confidence in these entities cannot be fully achieved if the UConn Foundation continues to be shielded from public scrutiny by virtue of its exclusion from the definition of public agency and the provisions of the FOI Act.

For these reasons, the Commission urges the approval of House Bill 5127.

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¹ See <http://www.foundation.uconn.edu/about-the-foundation.html>.